

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL NATIONAL MORTGAGE ASSOCIATION, No. C-11-3550 EMC

Plaintiff,

v.

CARLOS LOPEZ,

Defendant.

ORDER GRANTING ATTORNEY'S FEES

In this Court's September 2, 2011 order remanding this case to state court, the Court indicated that pursuant to 28 U.S.C. § 1447(c), the Court would require Mr. Lopez to pay Wells Fargo's "just costs and any actual expenses, including attorney fees, incurred as a result of the removal." The Court instructed Plaintiff to file an affidavit detailing any just costs and actual expenses. The Court is now in receipt of that affidavit, *see* Weber Decl., Docket No. 17, and hereby enters the following order.

"To determine a reasonable attorney fee award, the court employs the lodestar method, under which the court multiplies the number of hours the prevailing party reasonably expended on the litigation by a reasonable hourly rate." *Baerthlein v. Electronic Data Systems Corp.*, No. C 05-00196 VRW, 2005 WL 818381, at *3 (N.D. Cal. Apr. 7, 2005) (citing *Yahoo!, Inc. v. Net Games, Inc.*, 329 F. Supp. 2d 1179, 1182 (N.D. Cal. 2004)). In this case, counsel only requests three hours of billed time. Weber Decl. ¶ 3. The Court finds such a request reasonable given the nature of the remand request in this case and sufficient to "reimburse[] to plaintiffs [] wholly unnecessary litigation costs the defendant[] inflicted." *Moore v. Kaiser Foundation Hospitals, Inc.*, 765 F. Supp. 1464, 1466 (N.D. Cal. 1991), *aff'd*

1 981 F.2d 443 (9th Cir.1992). In addition, the Court finds the hourly rate of \$190 reasonable, Weber
2 Decl. ¶ 3, as it is well within the prevailing rates in this area and under a rate approved by this District
3 for § 1447(c) fees over six years ago. *See Baerthlein*, 2005 WL 818381 at *5 (using an average market
4 rate of \$200 per hour).

5 Accordingly, the Court hereby GRANTS Plaintiff's requested \$570 in attorney's fees.

6 IT IS SO ORDERED.

7
8 Dated: January 12, 2012



9
10 EDWARD M. CHEN
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL NATIONAL MORTGAGE,

Case Number: CV11-03550 EMC

Plaintiff,

CERTIFICATE OF SERVICE

CARLOS LOPEZ et al.

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 12, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Carlos Lopez
336 West H Street
Dixon, CA 94620

Dated: January 12, 2012

Betty Lee

Richard W. Wieking, Clerk
By: Betty Lee, Deputy Clerk